IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 744 OF 2005

IN

CIVIL APPLICATION NO. 3758 OF 2004

IN

FIRST APPEAL NO. 1226 OF 2004

Ramnath M. Vishwakarma ..Applicant
(Ori.Respondent 1)

versus

Harilal Sharma & Anr. ..Respondents
(Ori.Appellants)

Mr. C. K. Thomas i/b. C. K. Thomas and Associates for the Applicant.

Mr. Anil Singh for the Respondents.

CORAM : D. G. DESHPANDE,J.

DATE : 19TH AUGUST,2005

P.C. :

1. This is an application for vacating exparte stay. The respondents - original appellants had filed a suit for possession, that was decreed. But exparte stay was obtained and therefore this application. There is no question of vacating the stay but the said order can be modified. Counsel

for the applicant herein - Respondent No.1 contended that the appellants are enjoying property without paying any compensation.

2. Looking to the business of warehousing that is being carried out, the original appellants to deposit Rs.3,000/- per month. Stay is obtained on 25.10.2004, therefore looking to this fact, the following order is passed:

ORDER

. Appellants to pay Rs.2,000/- per month from 1.11.2004 till 1.9.2005. All the arrears to be cleared within eight weeks from today.

. From 1.9.2005 appellants to go on depositing Rs.3,000/- per month. Any two consecutive defaults will result in vacating the stay.

. Civil Application disposed of.

19.8.2005 (D.G. DESHPANDE, J.)